



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

MAY 1 2013

MEMORANDUM FOR ACTING UNDER SECRETARY OF DEFENSE FOR PERSONNEL
AND READINESS

SUBJECT: Board of Regents, Uniformed Services University of the Health Sciences
Membership Balance Plan and Charter Renewal Approval

The membership balance plan (TAB A) and the renewed charter (TAB B) for the Board of Regents, Uniformed Services University of the Health Sciences ("the Board"), are approved. A copy of the Board's charter will be provided to the Board and its Designated Federal Officer (DFO), once my Advisory Committee Management Officer (ACMO) files the charter with the Library of Congress, the Congressional oversight committees, and the General Services Administration.

As part of the charter renewal process, this office, in consultation with the Office of General Counsel of the Department of Defense (OGC DoD), has affirmed that all individuals appointed to the Board, once approved by the Secretary of Defense, shall be appointed to serve as special government employee (SGE) or regular government employee (RGE) members, as appropriate. The following points apply:

- (a) Individual members approved for appointment or renewal by the Secretary of Defense, who are not full-time or permanent part-time Federal officers or employees, shall be appointed as experts and consultants, under the authority of 5 U.S.C. § 3109, to serve as SGE members. Those who are full-time or permanent part-time Federal officers or employees shall be appointed to serve as RGE members.
- (b) Each member shall be notified, in writing, of the Secretary of Defense approval decision. In preparing your appointment or renewal of appointment letters, the Board's DFO should consult the ACMO and OGC DoD, to include the Standards of Conduct Office. At a minimum, the letters shall contain the following:
 - i. Notice that individuals who serve as SGE members will be compensated for their service on the Board, to include official travel and per diem, and that those individuals who serve as RGE members will only receive compensation for official travel and per diem associated with Board business.
 - ii. A statement that they are appointed to serve as SGE or RGE members, as appropriate.
 - iii. An explanation of the difference between serving as a SGE and representative member.
 - iv. A summary of the applicable ethics requirements, to include whether SGE members are required to file a Confidential Financial Disclosure Report.

As the Board's DoD Sponsor, you are responsible for:

- (a) Ensuring that the Board's DFO attends all Board and subcommittee meetings for the entire duration of each and every meeting.
- (b) Ensuring that the DFO and the Board fully comply with all governing Federal statutes and regulations, to include DoD Instruction 5105.04, "Department of Defense Federal Advisory Committee Management Program."
- (c) Ensuring that all work done by the Board and its subcommittees is based upon written tasks or terms of reference assigned to the Board by the Secretary of Defense, the Deputy Secretary of Defense, or you, as the DoD Sponsor. All tasks or terms of reference are subject to public review and, at a minimum, shall include:
 - i. A description of the problem or policy to be analyzed and the DoD decision maker for the matter(s) under consideration.
 - ii. Authority for members of the Board or its subcommittees to access DoD officials and DoD data that is pertinent to the matter(s) under consideration.
 - iii. A budget limitation under which the Board or its subcommittees must operate.
 - iv. A date by which the Board or its subcommittees must submit its written conclusions (advice and recommendations) to the DoD decision maker.
- (d) Providing adequate support to the Board and its subcommittees, and ensuring that the Board and its subcommittees are not unduly or inappropriately influenced by Federal employees or any special interest group.
- (e) Ensuring that all visits to DoD installations or facilities by members of the Board and its subcommittees are done in consultation with the Secretaries of the Military Departments or the Chairman of the Joint Chiefs of Staff, as appropriate.
- (f) Ensuring that all members of the Board and its subcommittees are appointed according to DoD policy and procedures. No member will participate in any work by the Board or its subcommittees until all of the following have been completed: the member completes and submits to DoD all personnel and ethics paperwork required for his or her appointment; the appropriate DoD offices process the individual's personnel and ethics paperwork; and the individual takes the oath of office for his or her appointment.
- (g) Ensuring that all DoD and other Federal Agency documents provided to the Board or its subcommittees are properly marked according to governing statutes, regulations, and DoD policy and procedures.
- (h) Monitoring the implementation status of any recommendation adopted by DoD or the Congress, and ensuring that this information is available for future inquiries.

With regard to your DoD Sponsor responsibilities, you also are responsible for determining, in consultation with OGC DoD, whether a Board meeting will be closed to the public under the Government in the Sunshine Act and determining, on behalf of the Secretary of

Defense, whether or not to accept the Board's advice or recommendations. Pursuant to DoD policy, you may further delegate both authorities to a subordinate, but no lower than Assistant Secretary level or three-star flag officer equivalent. However, no one to whom these authorities are delegated may serve in any capacity on the Board. Since the President of the Uniformed Services University of the Health Sciences is a statutory *de facto* member of the Board, then he or she cannot perform any of these authorities on your behalf.

Based on the Secretary of Defense's memorandum of October 9, 2012, concerning advisory committees, we recommend you continually reevaluate the Board's functions and reduce, where appropriate, the Board's operating costs. As the Secretary indicated, we must continually assess our advisory committees to ensure they deliver appropriate value today and in the future as times and requirements change.

If you should have any questions about this DoD program, the Federal governance and compliance requirements, the charter renewal, or the membership balance plan, please contact the ACMO, Mr. Jim Freeman, at 703-692-5952, or by email at James.Freeman@osd.mil.

A handwritten signature in black ink, appearing to read "Michael L. Rhodes", is positioned above the printed name and title.

Michael L. Rhodes
Director

Attachments:
As stated